

**Amended**

**Four**

**Central Business Architecture  
and Councilor M. Bardsley**

**Section 27 and 25-5**

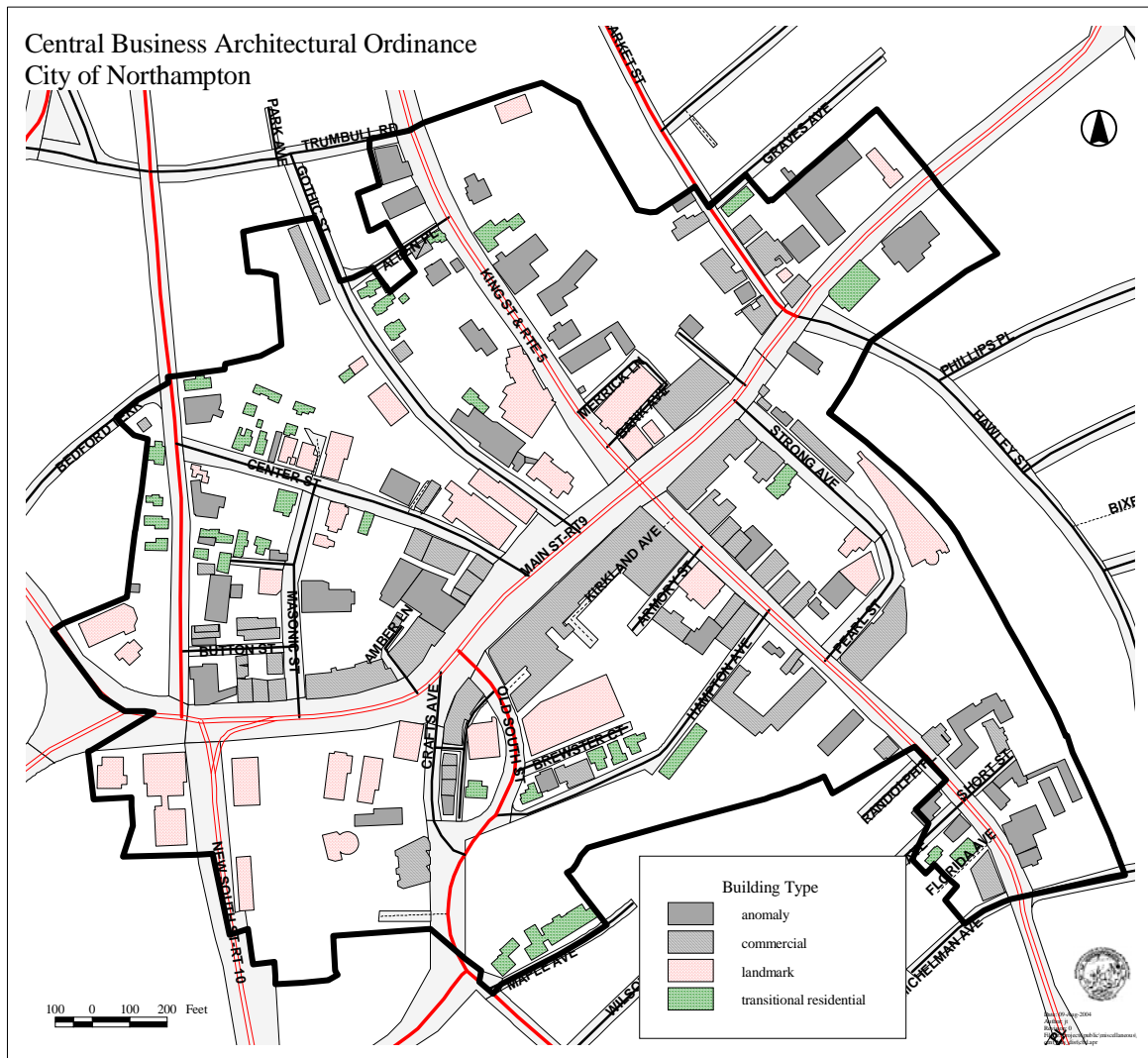
Amend and renew the Central Business Architecture Ordinance

**SECTION 27-1. PURPOSE**

The purpose of this ordinance is to preserve and enhance the pedestrian-scale character, culture, economy and welfare of downtown Northampton by preserving historic and architecturally valuable buildings and features, and by encouraging compatible building design. Nothing in this Ordinance shall be construed as creating a new responsibility for landowners to maintain their buildings.

**SECTION 27-2. CENTRAL BUSINESS ARCHITECTURE ORDINANCE  
BOUNDARIES**

A Central Business Architecture Ordinance is hereby established within the City of Northampton. The Ordinance shall regulate the Central Business District bounded as shown on an attached map entitled "Central Business Architectural Ordinance, City of Northampton," and made part of this ordinance. This ordinance creates an architecturally control district as envisioned by M.G.L. Chapter 143, Section 3A.



## SECTION 27-3. CENTRAL BUSINESS ARCHITECTURE COMMITTEE MEMBERSHIP

1. A Central Business Architecture Committee is established in the City of Northampton consisting of five members and two alternates. The Mayor shall appoint all members and alternates, subject to City Council approval. There are no limits on who may be appointed to be alternates. Members shall include at least one of each of the following:
  - A. One person from two nominations made by the Greater Northampton Chamber of Commerce
  - B. One person in the building trades or construction industry
  - C. One person from two nominations made by the association of Realtors covering Northampton

D. One Architect

E. One person from two nominations made by the Northampton Historical Commission.

In the absence of two nominations being submitted by nominating organizations within 60 days of such a request, the Mayor is not limited in who he/she appoints to fill a given vacancy.

2. Initial terms shall be as follows: Two members and one alternate shall be appointed for a term to expire April 1 of the calendar year two years after their appointment. Two members shall be appointed to a term to expire April 1 of the calendar year three years after their appointment, and one member and one alternate shall be appointed for a term to expire April 1 of the calendar year four years after their appointment.
3. Successive appointments shall be made for a term of three years, expiring April 1 of the relevant year. If a member resigns or otherwise leaves office prior to the expiration of their term, the person appointed to fill the vacancy shall be appointed for the balance of the original term. Successive appointments shall be made in the same manner as the original appointment. All members shall serve until their successors are appointed and confirmed.
4. Members shall annually elect a chair and a vice-chair.
5. Three members or alternates shall constitute a quorum. The positive vote of three members or alternates is necessary to issue any permit. Alternates shall be offered the opportunity to serve on a rotating basis when a member is absent. When substituting for a member, they shall have all of the responsibilities and rights of a member.

#### **SECTION 27-4. DESIGN GUIDELINES MANUAL AND RULES AND REGULATIONS**

1. The *Design Guidelines Manual, Downtown Northampton Central Business District*, 1999, as may be amended, is attached hereto by reference. It shall be cited in this ordinance as the *Design Guidelines Manual*.
2. The Central Business Architecture Committee shall have the authority to appoint a subcommittee or agent to act on behalf of the full committee for any action which does not require a public hearing.
3. After a public hearing and only with four affirmative votes, the Central Business Architecture Committee shall have the authority to adopt reasonable rules, regulations, and forms and to revise the *Design Guidelines Manual* to aid in the administration of this ordinance, and to reclassify building types shown on the "Central Business Architectural Ordinance, City of Northampton" map attached to this ordinance.

4. Materials to be submitted for non-exempt projects shall be provided in sufficient detail to determine the projects impact and compliance individually and in context with the surrounding buildings, and with respect to the *Design Guidelines Manual*. The Committee may waive or clarify any of these requirements either as part of their rules and regulations or in their review of a specific project.

For all non-exempt projects, unless waived by the Committee, the following shall be provided:

- A. Photographs of existing conditions, showing both detail and context of area(s) to be altered. Photographs should include buildings to be demolished and vacant areas to be developed.
- B. Scale plans of proposed alterations, renovations, or new construction sufficient to show all aspects considered under this ordinance.
- C. Renderings, or photographic or computer simulations showing both detail and context of area to be altered sufficient to show all aspects considered under this ordinance. For new buildings and major alterations, this item shall be sufficient to see the entire building, its details, and context from relevant viewpoints.
- D. A list or full description of existing materials to be altered and of proposed materials.
- E. Detailed description of any financial hardship.

## **SECTION 27-5. EXEMPTIONS**

The Central Business Architecture Committee shall appoint a subcommittee or agent and authorize that subcommittee or agent to issue a **Certificate That a Project Is Exempt** under this section. Such certification is not required but is provided to provide an applicant documentation that a permit is not required.

To request a **Certificate That a Project Is Exempt** under this section, the applicant shall complete and file the appropriate application form with the Northampton Office of Planning and Development. Within fourteen (14) days the Committee's duly authorized subcommittee or agent shall issue such certificate if it finds that the application demonstrates that the project is exempt under this section. If the Committee fails to act within these time periods, an applicant may send a written notice requesting their Certificate. If the Committee still fails to act the Certificate shall be deemed to have been issued seven days after the Committee's receipt of said notice. A denial of this certificate may be appealed to the full Committee within twenty-one (21) days of its denial.

The following elements are specifically exempt from review by the Committee. The Building Commissioner shall issue permits for this work only after determining that the project is exempt:

1. Interior work, including features, arrangements or use of other non-exterior elements.
2. Exterior architecture features not visible from a public street, provided they would not be visible even in the absence of all freestanding walls and fences, signs,

accessory structures, and landscaping, and the rear of any buildings if the rear facade does not abut a city street.

3. The ordinary maintenance, repair or replacement of any exterior architecture feature which does not involve any change of design or appearance.
4. Landscaping with plants, trees or shrubs.
5. Meeting any requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition.
6. All ground signs, building signs and awnings except those which could potentially alter or damage the building façade to which they are attached.
7. Open terraces, walks, driveways and similar structures, provided that such structure is substantially at grade level. Handicapped access ramps designed solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in M.G.L. §13A of Chapter 22, provided that such ramps are not more than one foot above original grade.
8. Freestanding walls or fences that are not part of any other structure, when such walls or fences are allowed as-of-right by the Northampton Zoning Ordinance (no special permits or findings are required).
9. Storm doors and windows, screens, window air conditioners, roof-top solar panels, lighting fixtures, and antennae. Satellite dish antennae with a diameter of greater than one foot are not exempt.
10. Roof colors, paint and stain colors, and painting of unpainted masonry and all non-masonry structures.
11. The reconstruction, substantially similar in exterior design and appearance, of a building, structure or exterior architecture feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
12. Freestanding outdoor art, provided such art is not also a sign, that does not alter any exterior feature protected by this ordinance in such a way that it cannot be readily repaired, and is not also an integral part of the exterior facade of a building.
13. Effective March 1, 2005, alteration or renovation, but not expansion or demolition, of any anomaly or transitional residential building, based on their classification on January 1, 2005, or when a request for a permit is made.
14. Alteration of the first floor facade of any theme commercial building, as defined in the *Design Guidelines Manual*, that was built with glass covering a significant

part of the first floor facade or has glass covering a significant part of the first floor facade when a permit for the proposed alteration is applied for, when at least 50% of the altered first floor facade will be glass installed providing a view from the public right-of-way of the inside of at least part of the building.

15. Alteration of the first floor façade of any landmark building, when the Committee finds that such alteration will be in conformance with *Design Guidelines Manual*.
16. Replacement of a window with a new window of the same general design and appearance but a change in materials when the Building Commissioner or the Committee finds that the new windows are identical in size to the old windows and do not alter sills, lintels or tops, do not incorporate mirrored glass, and when, except for small decorative windows and first floor storefronts, windows have a traditionally appropriate horizontal division within the glass. (Snap-in grills are exempt, but do not meet the requirement for a horizontal division.)
17. Restoration of features of the same general design and appearance as existed historically on a structure when the Building Commissioner or Committee finds that there is adequate evidence to believe that the restoration is historically accurate and the restoration will not damage other historic features nor alter the historic character of the building.
18. Temporary structures for up to 30 days.
19. Streets, sidewalks, utility poles and public and utility infrastructure that is generally within the street right-of-way.
20. Any other classes of projects or construction methods which the regulatory Committee has found, after a public hearing, are appropriate for exemption after Committee review.

#### **SECTION 27-6. CENTRAL BUSINESS ARCHITECTURE PERMIT PROCESS**

Except for activities exempted above, no building or structure within the Central Business Architecture District shall be constructed, altered, or demolished in any way without a **Central Business Architecture Permit** from the Central Business Architecture Committee issued in accordance with this ordinance. Nor, without such a permit shall such activities be issued a building permit or demolition permit. (See also MGL Chapter 143, Section 3A.)

To apply for a permit, the applicant shall complete and file the Committee's application form and file required submittal materials with the Northampton Office of Planning and Development.

To provide consistency, even though a Central Business Architecture Ordinance is distinct from zoning ordinances, the committee shall use the same public notice and time line requirements for permit applications as is required under the state Zoning Act

(M.G.L. Chapter 40A) for Special Permits. If the Committee fails to act within these time periods, an applicant may send a written notice requesting their permit. If the Committee still fails to act the permit shall be deemed to have been issued seven days after the Committee's receipt of said notice.

The Committee shall hold a joint public hearing with the Planning Board or Zoning Board of Appeals, as appropriate, for any project that also requires zoning relief from those boards, if the applicant provides a written request for a joint hearing with the application to both boards, and if the applicant grants waivers from statutory time limits, if necessary, to allow a joint hearing.

The Committee shall follow the following process in reviewing an application:

1. If the Committee finds that a project is exempt, it shall issue a **Certificate That a Project is Exempt**.
2. If the Committee finds that a project is compatible with the preservation of historic, architecture and pedestrian-scale character, under the terms of this ordinance, it shall issue an **Central Business Architecture Permit**. The Committee shall not review elements of the project which are exempt under Section 27-5, but shall determine that projects respect the details and the character of Central Business by considering the following:
  - A. Any element of the project or the project in its entirety shall be presumed to meet the standards necessary for approval if the Committee finds that it meets Applicability and Design Guidelines sections in the *Design Guidelines Manual*; and,
  - B. Any element of the project or the project in its entirety not permitted under paragraph 2(A) above shall be approved if the Committee finds that the project maintains and enhances the Downtown Northampton Central Business District: Character Defining Features in the *Design Guidelines Manual*, even if it does not meet the Design Guidelines; and
  - C. In the event elements of the project or the project in its entirety does not meet the above standards, the Committee can waive some or all of the standards if such waiving will clearly preserve and enhance the pedestrian-scale character, culture, economy and welfare of downtown Northampton by preserving historic and architecturally valuable buildings and features, and by encouraging compatible building design.
3. If the Committee finds that owing to conditions especially affecting the building or structures involved, but not affecting the district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this ordinance, it shall issue an **Central Business Architecture Permit**.
4. If the Committee finds that none of the above apply, it shall deny the **Central Business Architecture Permit**.

5. A landowner in the district or their representative may request informal assistance from the Commission in planning alterations or new construction. The Commission shall offer informal advice and comments on any proposal. This advice, however, cannot be binding on the Committee when they formally review an application for a Certificate.

#### **SECTION 27-7. APPEALS**

Any issuance or denial of a permit by the Committee may be appealed to the Northampton Planning Board, by an applicant or other aggrieved party, provided such appeal has been filed within 21 days of the filing of said decision with the City Clerk. The Planning Board shall limit its consideration of such an appeal to considering errors of the Committee and shall need a two-thirds vote of its members to overturn the action of the Committee. For the purposes of this section, Planning Board associates may serve as full Planning Board members in the absence or inability of the Planning Board member to vote.

#### **SECTION 27-8. VIOLATIONS, AND NON-CRIMINAL DISPOSITION**

This ordinance may be enforced by criminal and non-criminal penalties and injunctive relief, in accordance with Chapter 25 of the Northampton Code of Ordinances. Each day a condition is in violation of the provisions of this ordinance shall constitute a separate violation.

As an alternative to criminal prosecution or civil action, the City of Northampton may elect to utilize the non-criminal disposition procedure set forth in Section 25-5.

{insert the following under Section 25-5. Non Criminal Disposition}

##### Sections 27-1 – 27-10

The Director of Planning and Development or his/her designee shall be the enforcement officer. The penalty for the first violation shall be \$100. The penalty for the second and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

#### **SECTION 27-9. SEVERABILITY**

In the event that any provision of this ordinance shall be declared invalid or unconstitutional all other provisions shall continue in full force and effect.

#### **SECTION 27-10. EFFECTIVE DATES**

This ordinance shall take effect upon appointment of a Central Business Architecture Committee.

(Adopted as revised 11/4/2004)